

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS

JULY 26, 1972

An adjourned regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, July 26, 1972, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - HUGHES, KATNICH,  
PINKERTON, SCHAFFER  
and EHRHARDT (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, City Attorney Mullen and Public Works Director Jones.

TENTATIVE MAP - EL PORTAL, THE VINEYARD AND  
DELTA PACIFIC TRACTS

CC 46

City Manager Graves explained to the Council that the Planning Commission had, at its meeting of July 24, 1972, considered the Tentative Map for El Portal, The Vineyard and Delta Pacific Tracts - an approximate 81-acre subdivision located on the east side of South Hutchins Street across from English Oaks Manor. At that meeting the Planning Staff recommended several conditions for approval of the Tentative Map. Two of those conditions created objection by the engineer representing the developers. Those conditions were as follows:

1. That Century Boulevard be improved as established in City Council Resolution No. 3570 and that a 6-foot-high, chain-link fence with redwood slats be installed along Century Boulevard on the property line in that area of access restriction.
2. That the Tentative Map be redesigned to accommodate a grade-separation structure at Harney Lane and the Southern Pacific Railroad.

The Planning Commission had delayed approval of the Tentative Map pending a decision from the City Council as to whether Resolution No. 3570 which fixes responsibility of the development on all limited access major arterial streets between the City and adjacent developers of property should be applied to this specific case. City Manager Graves asked the Council for a determination on this question.

The City Manager reported that the developer had agreed to dedicate the right of way, access rights and to install the fence, but he did not wish to install the curb, gutter and sidewalk and other improvements as required in the resolution.

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Public Works Director Jones commented on the development and recommended that the curb, gutter and sidewalk should not be installed at this time. He explained that if in the future a grade separation is required on Century Boulevard east of Church Street, these improvements would be disrupted at that time.

After considerable Council discussion, City Attorney Robert Mullen said if the Council agreed with the concept that a grade separation structure will be necessary some time in the future, this situation could be considered unique. He recommended the Council accept the dedication of the right of way; the developer relinquish access rights and install the fence; and the City not require the balance of the improvements.

Mr. Robert W. Siegfried, 4045 Coronado, Stockton, engineer representing the developers of the property, said the situation existing was different from the limited access streets because in this case there was no access.

Mr. Ted Katzakian, 321 Charleston Way, asked the Council if the City would require installation of curb, gutter and sidewalk and then remove them at such time as a grade separation structure were constructed.

After further Council discussion, Councilman Hughes moved, in lieu of the developments required in Resolution No. 3570, the developer be required to dedicate right of way to accommodate a grade separation structure on Century Boulevard; relinquish access rights and install fencing, and further improvements specified in Resolution No. 3570 not be required on Century Boulevard between Church Street and Stockton Street. The motion was seconded by Councilman Pinkerton and carried by unanimous vote.

#### HARNEY LANE

City Manager Graves said another question that needed to be resolved was whether a grade separation would be required on Harney Lane. He said this question should be resolved prior to approval of a Tentative Map for development of that area. He said if the Council determines there will be a grade separation in this area, then the developer will find it necessary to redesign the streets in certain areas.

Public Works Director Jones recommended the Tentative Map presented to the Planning Commission for development of the property in this area be redesigned to include a grade separation structure at Harney Lane. He said the City staff was working on alternates for the developer. He also recommended that a study be made of Harney Lane before it is developed.

Mr. Siegfried, engineer for the development, questioned if the subdivision were redesigned if the same number of lots could be achieved. Mr. Jones assured him the staff would do whatever it could to maintain the developers' schedule and stay within the concept. The City Council concurred with Mr. Jones' recommendations.

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# CITY POLICIES RE SUBDIVISIONS

## OVERSIZED SEWAGE LINES

CC 44

City Manager Graves stated that at the Council meeting of June 7, 1972, Mr. Victor Meyer had requested the City Council to relieve the Westmont Development Company of the responsibility imposed by the City to provide for oversized sewage lines in the areas south of the English Oaks Manor development. The Council had continued the request to this date for discussion.

Public Works Director Jones reviewed the requirements that had been placed upon the developer and outlined the sanitary sewer system and storm drain system in English Oaks Manor Subdivision and the oversized lines required to serve the area south of Harney Lane.

Mr. Victor Meyer, 221 West Oak Street, who was in the audience, said his request for relief of this requirement may have been a hasty request. He asked that the Council study and develop a "banking" or "participation" policy whereby costs of development would be shared by those property owners who may tie into the line after it has been installed. He said he would prefer this type of policy to that of the City paying for oversized sewage lines.

After Council discussion, on motion of Councilman Hughes, Schaffer second, the City Council reaffirmed its previous position that the oversized sewage lines must be installed in the English Oaks Manor development and that future planning should be based on the assumption that a freeway will be located approximately one-quarter mile south of Harney Lane.

## WATER & SEWER EXTENSION POLICY

CC 44

CC 183 (2)

The City Manager discussed the City's water and sewer extension policy and raised the following questions for Council discussion:

1. Who should bear the cost of water and sewer extension?
2. Should control of urban growth be a consideration of this policy?
3. Who should make original investment - the City or developer?
4. Who bears administrative cost - City or developer?

The City Manager discussed the City's present water and sewer policies and explained how they were developed. Dr. Frank Johnson, 402 West Elm Street, spoke concerning the City policies and suggested dual water taps be provided in subdivisions. He also said he felt the City's electrical policy was not realistic.

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Mr. Terry Piazza, 221 West Oak Street, said he felt the developer should bear the costs of the oversized lines. He also said he felt those persons who benefit from installation of lines should bear the costs of that installation and he recommended some type of a "banking policy."

Mr. Victor Meyer then commented that those people who benefit from line extensions should be obligated to pay and a policy should be established that is fair and equitable.

Mr. Ted Molino, 1701 Edgewood Drive, said he would like to share in discussions with the staff concerning any new policies to be developed as a result of this discussion. He suggested a charge be established as of this Council meeting for reimbursement for oversized line installations.

Mr. John Capell, 324 LaVida Drive, agreed a more equitable policy should be established concerning water and sewer extension. He suggested a policy should be established with regard to storm drainage where the subdivider would be reimbursed. He suggested that funds be withdrawn from the City's general fund or capital improvement fund and a revolving fund be established for storm drainage lines.

After considerable Council discussion, the Council generally agreed that the City staff should develop a water and sewer extension policy that would be fair and equitable and it should include the following points:

1. The City would not pay for water and sewer extensions.
2. The costs for water and sewer extensions would be distributed among developing properties and the City would not pay.
3. The City would administer the program and be compensated for administrative costs.

The Council also agreed that interested developers should be a part of the discussions concerning the new policy.

The Council discussed the effective date of such a policy. Councilman Schaffer then moved the adoption of a reimbursement policy taking into consideration the points listed above, said policy to be effective July 26, 1972. The motion was seconded by Councilman Katnich.

After further discussion, Councilman Schaffer amended his motion, with the approval of the second, to state that the City Council adopt a reimbursement policy taking into consideration the points listed above, said policy to be effective August 1, 1972, and shall apply to all properties developed after August 1, 1972.

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except tentative maps or use permits approved by the Planning Commission prior to that date and developed within 18 months of the approval date by the Planning Commission. The motion carried by unanimous vote of the Council.

City Manager Graves said the staff would develop two or three different concepts for Council consideration. He said his aim was to develop an ordinance with a lot of specifics.

CLAIM FOR  
PERSONAL  
INJURIES -  
REJECTED  
cc 4(c)

City Attorney Mullen presented a Claim for Personal Injuries and Property Damage filed by Badger, Mower & Watson, Attorneys at Law, on behalf of Hilda M. Ratliff in the amount of \$941.75. On motion of Councilman Katnich, Schaffer second, the Council rejected the claim and referred it to Mr. Max Elson, the City's Agent of Record.

WESTERN  
LIQUID  
ASPHALT CASES

RES. NO. 3656  
RES. NO. 3657  
RES. NO. 3658  
RES. NO. 3659

cc 200 (d)  
cc 300

City Attorney Robert Mullen requested the City Council to adopt certain resolutions necessary to dismiss certain oil companies from actions pending in the Western Liquid Asphalt Cases in which cases the City of Lodi was being represented by the Attorney General's office. The City Council, on motion of Councilman Katnich, Pinkerton second, then adopted the following resolutions:

1. Resolution No. 3656 approving and ratifying the settlement of the suit filed against Edgington Oil Company, in the case of the State of California, et al, versus Standard Oil Company of California, et al.
2. Resolution No. 3657 authorizing the City Manager to execute and deliver the Final Release and cause the above suit to be dismissed.
3. Resolution No. 3658 approving and ratifying the settlement of the suit filed against Witco Chemical Corporation and Robert L. Feldman in the case of the State of California, et al, versus Standard Oil Company of California, et al.
4. Resolution No. 3659 authorizing the City Manager to execute and deliver the Final Release and cause the above suit to be dismissed.

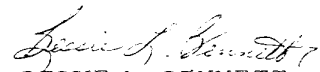
MEETING  
W COUNTY  
RE LANDFILL

City Manager Graves said he had arranged for the City Council to appear before the Board of Supervisors on Tuesday, August 1, 1972, concerning the Sanitary Landfill. He recommended the Council make its presentation to the Board at that time, stating the City's viewpoint.

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ADJOURNMENT

On motion of Councilman Katlich, the meeting was adjourned to 4:00 p.m., Friday, July 28, 1972, at which time the Council will discuss its presentation to the Board of Supervisors regarding the Sanitary Landfill operation.

  
Attest: BESSIE L. BENNETT  
City Clerk